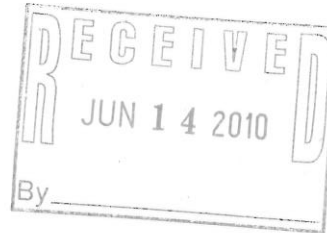


**FILE**



Water & Sanitation Department  
**R. REDDY PAKALA**  
Director

Integrated Waste Management Division  
**Bruce Belluschi**  
Manager

June 8, 2010

Kim Oakley, Local Government Liaison  
Office of Local Assistance  
Cal Recycle, Department of Resources, Recycling, and Recovery  
PO Box 4025  
Sacramento, CA 95812-4025

**Subject: Submittal of County of Ventura 2010 Countywide Integrated Waste Management Plan (CIWMP) Five-Year Review Report**

Dear Ms. Oakley:

I am please to submit the County of Ventura's 2010 Countywide Integrated Waste Management Plan (CIWMP) Five-Year Review Report for your review and consideration.

I look forward to hearing from CalRecycle later this summer about your department's decision. In the interim, should you have any questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruce Belluschi".

Bruce Belluschi  
Manager

Enc: Letter from Ventura Council of Governments (VCOG)  
Completed County of Ventura Five-Year CIWMP Review Report  
Public comments submitted to VCOG regarding CIWMP





**VENTURA COUNCIL  
OF GOVERNMENTS**

950 County Square Drive, Suite 207  
Ventura, CA 93003

June 4, 2010

Kim Oakley, Local Government Liaison  
Office of Local Assistance  
Cal Recycle, Department of Resources, Recycling, and Recovery  
PO Box 4025  
Sacramento, CA 95812-4025

**Subject: VCOG Review of Attached Countywide Integrated Waste Management  
Division (CIWMP) Five-Year Review Report**

Dear Ms. Oakley:

At the regular meeting of May 13, 2010 the Board of Directors of the Ventura Council of Governments (VCOG), serving as the Ventura County AB 939 Local Task Force, took action to support the submittal of the attached CIWMP Five-Year Review Report for your consideration. Also attached to this letter is written testimony presented to the VCOG Board prior to the Board considering the staff recommendation to support submittal of the Review Report.

This letter follows receipt of a staff report from the County of Ventura Integrated Waste Management Division describing the unanimous consensus among city and County staff that the "update" process is adequate for the current Ventura County CIWMP Five-Year Review Report. None of the Countywide or jurisdiction-specific documents of the CIWMP require revision at this time. Consequently, each jurisdiction will continue to use the Annual Reporting process for any future "updates" to these documents, pursuant to Title 14, CCR Sections 18794.3 and 18794.4.

The action of the VCOG Board of Directors to support the submittal of the CIWMP Five-Year Review Report by the County of Ventura is specific to the Review Report. The action of the VCOG Board should in no way be considered either support for, or opposition to, the siting or the expansion of landfills within the jurisdictional limits of the County of Ventura or any city within Ventura County.


Sincerely,

  
Dr. Gabino Aguirre  
Chairman  
Ventura Council of Governments

## Five-Year CIWMP/RAIWMP Review Report

Public Resources Code (PRC) Sections 41770 and 41822, and Title 14, California Code of Regulations (CCR) Section 18788 require that each countywide integrated waste management plan (CIWMP), and the elements thereof, be reviewed, revised, if necessary, and submitted to the California Integrated Waste Management Board (CIWMB) every five years.

The following report documents compliance with these regulatory review and reporting requirements. The County will use this report as a tool in its review, including obtaining Local Task Force (LTF) comments on areas of the CIWMP needing revision, if any. The completed and signed report will be submitted to the Local Assistance & Market Development Division (LAMD) of the CIWMB. Upon submittal, Local Assistance and Market Development (LAMD) staff may request additional information. Within 90 days of receiving a complete Five-Year CIWMP/RAIWMP Review Report, LAMD staff will review the request and prepare their findings for consideration by the CIWMB (or its successor agency).

SECTION 1.0 COUNTY OR REGIONAL AGENCY INFORMATION			
I certify that the information in this document is true and correct to the best of my knowledge, and that I am authorized to complete this report and request approval of the CIWMP or RAIWMP Five-Year Review Report on behalf of:			
<b>County or Regional Agency Name</b> Ventura County Water and Sanitation Department		<b>County</b> County of Ventura	
<b>Authorized Signature</b> 		<b>Title</b> Director	
<b>Type/Print Name of Person Signing</b> Reddy Pakala	<b>Date</b> 6/8/10	<b>Phone</b> (805) 654-2075	
<b>Person Completing This Form (print or type)</b> David Goldstein	<b>Title</b> Analyst	<b>Phone</b> (805) 658-4312	
<b>Mailing Address</b> 800 S. Victoria Ave., Ventura, CA 93009-1650	<b>City</b> Ventura	<b>State</b> CA	<b>Zip</b> 93009-1650
<b>E-mail Address</b> <a href="mailto:David.goldstein@ventura.org">David.goldstein@ventura.org</a>			

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## SECTION 2.0 BACKGROUND

This is the County of Ventura's second Five-Year Review Report since the approval of the CIWMP

The following changes have occurred since the approval of the County of Ventura's planning documents or the last Five-Year CIWMP or RAIWMP Review Report (whichever is most recent).

- ☐ Diversion goal reduction
- ☐ New regional agency
- ☐ Changes to regional agency

- ☐ New city (name(s) \_\_\_\_\_)
- ☐ Other \_\_\_\_\_

Additional Information (optional):

None of the above has occurred.

## SECTION 3.0 LOCAL TASK FORCE REVIEW

- a. In accordance with Title 14 CCR, Section 18788, the Local Task Force (LTF) reviewed each element and plan included in the CIWMP or RAIWMP and finalized its comments:

- ☒ Timeline plans for May, 2010 LTF meeting
- ☐ Electronically (fax, e-mail)
- ☐ Other (Explain): \_\_\_\_\_

- b. The County of Ventura received the written comments from the LTF on:  
(time line plans for) May, 2010.

- c. A copy of the LTF comments:

- ☒ Will be included as Appendix 1.
- ☐ Was submitted to the CIWMB on \_\_\_\_\_.

## SECTION 4.0 TITLE 14, CALIFORNIA CODE of REGULATIONS SECTION 18788 (3) (A) THROUGH (H)

The subsections below address not only the areas of change specified in the regulations, but also provide specific analysis regarding the continued adequacy of the planning documents in light of those changes, including a determination regarding any need for a revision to one or more of the planning documents.

#### **Section 4.1 Changes in Demographics in the County or Regional Agency**

When preparing the CIWMP or RAIWMP Review Report, the county or regional agency must address at least the changes in demographics. The following resources are provided to facilitate this analysis.

1. Demographic data, including population, taxable sales, employment, and consumer price index, are available at <http://www.ciwmb.ca.gov/LGTools/DivMeasure/JuAdjFac.asp>.
2. The Demographic Research Unit of the California Department of Finance is designated as the single official source of demographic data for State planning and budgeting (e.g., E-5 City/County Population and Housing Estimates under reports and research papers).
3. The Department of Finance's Demographic Research Unit also provides a list State Census Data Center Network Regional Offices.

#### Analysis

Upon review of demographic changes since 2000:<sup>1</sup>

- ☒ The demographic changes since the development of the CIWMP or RAIWMP do not warrant a revision to any of the countywide planning documents.
- ☐ These demographic changes since the development of the CIWMP or RAIWMP warrant a revision to one or more of the countywide planning documents. Specifically, \_\_\_\_\_. See the revision schedule in Section 7.

#### Additional Analysis (optional):

Although each of Ventura County's jurisdictions experienced growth in the past five years, existing solid waste planning documents anticipated this growth and continue to be adequate for handling expected levels of waste reduction, recycling, and disposal.

---

<sup>1</sup> The year of the data included in the planning documents, which is generally 1990 or 1991.

#### **Section 4.2 Changes in Quantities of Waste within the County or Regional Agency; and Changes in Permitted Disposal Capacity and Waste Disposed in the County or Regional Agency**

The CIWMB has a number of tools to facilitate the analysis and review of such changes in the waste stream are available from the following sources.

1. Various statewide, regional and local disposal reports are available at <http://www.ciwmb.ca.gov/LGCentral/Reports/DRS/Default.aspx>.
  - a. The CIWMB's Disposal Reporting System tracks and reports the annual estimates of the disposal amounts for jurisdictions in California; additional California solid waste statistics are also available.
  - b. The CIWMB's Waste Flow by Destination or Origin reports include solid waste disposal, export, and alternative daily cover. They show how much waste was produced within the boundaries of an individual city, or within all of the cities comprising a county or regional agency. These data also cover waste disposed at a particular facility, or at all of the facilities within county or regional agency.
3. The Waste Characterization Database provides estimates of the types and amounts of materials in the waste streams of individual California jurisdictions in 1999.
4. The CIWMB's Countywide, Regionwide, and Statewide Jurisdiction Diversion Progress Report (CRiS) report provides both summary and detailed information on biennial review status, diversion rates, and waste diversion program implementation for all California jurisdictions. Diversion program implementation summaries are also available at <http://www.ciwmb.ca.gov/LGTools/PARIS/jurpgmsu.asp> and <http://www.ciwmb.ca.gov/LGTools/PARIS/jurhist.asp>.

Together, these reports help illustrate changes in the quantities of waste within the county as well as in permitted disposal capacity. This information also summarizes each jurisdiction's progress in implementing the SRRE and complying with the 50% diversion rate requirement (now calculated as 50% equivalent per capita disposal target), see Per Capita Disposal and Goal Measurement (2007 and Later) for details.

- ☒ The county or regional agency (if it includes the entire county) continues to have adequate disposal capacity (i.e., equal to or greater than 15 years).
- ☐ The county does not have 15 years remaining disposal capacity and the Siting Element does not provide a strategy<sup>2</sup> for obtaining 15 years remaining disposal capacity. Attached is a revision schedule for the Siting Element (Section 7).

*Analysis:* Analysis in the most recently completed Annual Report for the County of Ventura (2008) noted 21 years of remaining in-county disposal capacity. Additionally, the Simi Valley Landfill and Recycling Center has applied for an expansion and an extension.

- ☒ These changes in quantities of waste and changes in permitted disposal capacity since the development of the CIWMP do not warrant a revision to any of the countywide planning documents.
- ☐ These changes in quantities of waste and changes in permitted disposal capacity since the development of the CIWMP or RAIWMP warrant a revision to one or more of the countywide planning documents. Specifically, \_\_\_\_\_. The revision schedule(s) is included in Section 7.

*Additional Analysis (optional):*

Despite increased generation of waste, disposal capacity within Ventura County's borders remains above the 15-year threshold. Additionally, Ventura County jurisdictions use landfills beyond the county's borders (principally Chiquita and Calabasas landfills in Los Angeles County), and the major landfill in Ventura County (Simi Valley Landfill and Recycling Center) has applied for an expansion and extension.

---

<sup>2</sup> Such a strategy includes a description of the diversion or export programs to be implemented to address the solid waste capacity needs. The description shall identify the existing solid waste disposal facilities, including those outside of the county or regional agency, that will be used to implement these programs. The description should address how the proposed programs shall provide the county or regional agency with sufficient disposal capacity to meet the required minimum of 15 years of combined permitted disposal capacity.

### Section 4.3 Changes in Funding Source for Administration of the Siting Element (SE) and Summary Plan (SP)

Since the approval of the CWIMP or the last Five-Year CIWMP Review Report (whichever is most recent), the county has experienced the following significant changes in the funding of the SE or SP:

- No changes.

#### Analysis

☒ There have been no significant changes in funding source administration of the SE and SP or the changes that have occurred do not warrant a revision to any of the countywide planning documents.

☐ These changes in funding source for the administration of the SE and SP warrant a revision to one or more of the countywide planning documents. Specifically, \_\_\_\_\_. See Section 7 for the revision schedule(s).

#### Additional Analysis (optional):

The County of Ventura's Integrated Waste Management Division continues to administer mandated countywide programs (including the Siting Element and Summary Plan) through Countywide Integrated Waste Management Fees. Although the amount charged per ton has decreased over time owing to the maturation of each County jurisdiction's waste management system and resulting decrease of County staff involvement per an annual basis, funding remains adequate to support continued work.

### Section 4.4 Changes in Administrative Responsibilities

The county has experienced significant changes in the following administrative responsibilities since the approval of the CIWMP or the last Five-Year CIWMP or RAIWMP Review Report (whichever is most recent):

- \_\_\_\_\_

#### Analysis

☒ There have been no significant changes in administrative responsibilities or the changes in administrative responsibilities do not warrant a revision to any of the planning documents. Specifically, \_\_\_\_\_.

☐ These changes in administrative responsibilities warrant a revision to one or more of the planning documents. Specifically, \_\_\_\_\_. See Section 7 for the revision schedule(s).

#### Additional Analysis (optional):

\_\_\_\_\_

**Section 4.5 Programs that Were Scheduled to Be Implemented But Were Not**

This section addresses programs that were scheduled to be implemented but were not, a statement as to why they were not implemented, the progress of programs that were implemented, a statement as to whether programs are meeting their goals, and if not what contingency measures are being enacted to ensure compliance with Public Resources Code section 41751.

**1. Progress of Program Implementation**

**a. Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE)**

- ☒ All program implementation information has been updated in the CIWMB's electronic Annual Report (EAR), including the reason for not implementing specific programs, if applicable.
- ☐ All program implementation information has not been updated in EAR. Attachment \_\_\_\_\_ lists the SRRE and/or HHWE programs selected for implementation but which have not been implemented, including a statement as to why they were not implemented.

**b. Nondisposal Facility Element (NDFE)**

- ☒ There have been no changes in the use of nondisposal facilities (based on the current NDFEs and any amendments).
- ☐ Attachment \_\_\_\_\_ lists changes in the use of nondisposal facilities (based on the current NDFEs).

**c. Countywide Siting Element (SE)**

- ☒ There have been no changes to the information provided in the current SE.
- ☐ Attachment \_\_\_\_\_ lists changes to the information provided in current the SE.

**d. Summary Plan**

- ☒ There have been no changes to the information provided in the current SP.
- ☐ Attachment \_\_\_\_\_ lists changes to the information provided in current the SP.

**2. Statement regarding whether Programs are Meeting their Goals**

- ☒ The programs are meeting their goals.
- ☐ The programs are not meeting their goals. The discussion that follows in the analysis section below addresses the contingency measures that are being enacted to ensure compliance with PRC Section 41751 (i.e., specific steps are being taken by local

agencies, acting independently and in concert, to achieve the purposes of the California Integrated Waste Management Act of 1989) and whether the listed changes in program implementation necessitate a revision of one or more of the planning documents. \_\_\_\_\_

Analysis

- ☒ The aforementioned changes in program implementation do not warrant a revision to any of the planning documents. Specifically, \_\_\_\_\_.
- ☐ Changes in program implementation warrant a revision to one or more of the planning documents. Specifically, \_\_\_\_\_. The revision schedule(s) is included in Section 7.

Additional Analysis (optional):

At the time of the previous five-year review report (2005), not all jurisdictions in Ventura County had met AB 939 diversion mandates. However, programs implemented since that time have enabled every jurisdiction to meet AB 939 mandates, and we anticipate equal jurisdictional success in meeting SB 1016 mandates as well.

**Section 4.6 Changes in Available Markets for Recyclable Materials**

The County has experienced changes in the following available markets for recyclable materials since the approval of the CIWMP Five-Year Review Report:

Analysis

- ☒ There are no significant changes in available markets for recycled materials to warrant a revision to any of the planning documents. Specifically, \_\_\_\_\_.
- ☐ Changes in available markets for recycled materials warrant a revision to one or more of the planning documents. Specifically, \_\_\_\_\_. The revision schedule(s) is included in Section 7.

Additional Analysis (optional):

**Section 4.7 Changes in the Implementation Schedule**

The following addresses changes to the County's implementation schedule that are not already addressed in Section 4.5 above.

Analysis

- ☒ There are no significant changes in the implementation schedule to warrant a revision to any of the planning documents. Specifically, \_\_\_\_\_.



- ☐ Changes in the implementation schedule warrant a revision to one or more of the planning documents. Specifically, \_\_\_\_\_.

*Additional Analysis (optional):*

Generally, all local jurisdictions have implemented programs specified in the Source Reduction and Recycling Elements. Jurisdictions are currently maintaining programs, making them more efficient and effective.

Note: Changes noted in sections 4.1 through 4.7 above should be considered for each jurisdiction in the county or regional agency with an explanation as to whether the change necessitates a revision to any of the jurisdictions' planning documents.

**SECTION 5.0 OTHER ISSUES OR SUPPLEMENTARY INFORMATION (optional)**

The following addresses any other significant issues/changes in the county and whether these changes affect the adequacy of the CIWMP or RAIWMP such that a revision to one or more of the planning documents is needed.

**SECTION 6.0 ANNUAL REPORT REVIEW**

- ☒ The Annual Reports for each jurisdiction in the county have been reviewed, specifically those sections that address the adequacy of the CIWMP or RAIWMP elements. No jurisdictions reported the need to revise one or more of these planning documents.
- ☐ The Annual Reports for each jurisdiction in the county have been reviewed, specifically those sections that address the adequacy of the CIWMP or RAIWMP elements. The following jurisdictions reported the need to revise one or more of these planning documents, as listed.

*Analysis*

The discussion above addresses the County's evaluation of the Annual Report data relating to planning document adequacy and includes a preliminary determination that it is not necessary to revise any of the planning documents. The final Five Year CIWMP Review Report submittal will include comments from the Local Task Force.

**SECTION 7.0 REVISION SCHEDULE (if required)**

n/a



## **SECTION 8.0 SUPPLEMENTARY INFORMATION**

SRREs, HHWEs and NDFEs for all eleven jurisdictions in Ventura County were originally submitted to the California Integrated Waste Management Board (CIWMB) in 1995 and approved by the CIWMB in 1996. However, ongoing CIWMB-County disputes regarding the appropriate level of environmental review for the Countywide Siting Element and Summary Plan precluded final CIWMB approval of those last two documents until June of 2001. The previous LTF Five-Year review occurred in 2005, and the current one is scheduled to occur in 2010.

## **PUBLIC COMENTS**

May 13, 2010

Good afternoon Chairman, Board members, and Executive Director Kettle, of the Ventura Council of Governments.

For the record, my name is Wayne Fishback. I am a resident of Simi Valley and reside at 3106 Calusa Avenue.

Prior to this meeting, I believe all of you received a letter from me. It described the illegal expansions of the SIMI VALLEY LANDFILL AND RECYCLE CENTER – both in 2003 and the current application. These 2 expansions will change the original landfill size from roughly 20,000,000 CUBIC YARDS to 130,000,000 CUBIC YARDS.

My comments at your January Board meeting and my letter make clear that to make these expansions legal, the COUNTYWIDE SITING ELEMENT must be revised. It should be noted that this would be a retroactive fix or “permit after the fact” for the 2003 expansion.

In essence, the required revisions would gut the CSE. The most critical siting issues, called pass/fail criteria would require repeal. For example, the distances from the landfill to sensitive receptors such as housing, parks, schools, healthcare facilities, and water resources must be eliminated. The pass/fail criteria must be voided. You get my point.

To make these drastic changes to the COUNTYWIDE SITING ELEMENT is problematic, however, to people like me. The CSE was passed with substantial public input. Additionally, there is the expectation that we could rely on the stringent requirements of the COUNTYWIDE SITING ELEMENT to protect the public. This has been abrogated by Waste Management and the County.

The County and Mr. Kettle assert that the SIMI VALLEY LANDFILL AND RECYCLE CENTER is exempt from the COUNTYWIDE SITING ELEMENT. This is patently false. Than handout provided to you attests to this fact. The permit application states the expanded landfill in 2005 is in conformance with the CSE. However, the letter from the County and signed by General Kapucick contradicts the permit statement made under penalty of perjury. The letter clearly states the only area in conformance is the landfill footprint contained in the 2001 COUNTYWIDE SITING ELEMENT and prior to the 2003 expansion. In plain English, the 2003 expansion – not to mention the current expansion –

constitutes deliberate egregious, and giant-size environmental crimes by the multiple parties involved.

Although it is not on point with the SIMI VALLEY LANDFILL AND RECYCLE CENTER expansion, I can't help but mention that the COUNTYWIDE SITING ELEMENT was used as a method to entrap my property in support of a CORRECTIVE ACTION ORDER. If successful, this order would have led to the theft of my property by THE COUNTY OF VENTURA.

My request to the Board is to thoroughly investigate this matter before you make a final decision. You might begin by asking some questions in your deliberations.

For your convenience, I have prepared a few questions you might find useful.

### QUESTIONS

1. Are the SIMI VALLEY LANDFILL AND RECYCLING CENTER and TOLAND ROAD LANDFILL **exempt** from the COUNTYWIDE SITING ELEMENT requirements?
2. Can the SIMI VALLEY LANDFILL AND RECYCLING CENTER and TOLAND ROAD LANDFILL expand without limitation and without regard to COUNTYWIDE SITING ELEMENT requirements?
3. Do the State statutes and regulations that govern the siting of landfills apply to **both** new landfills and the expansion of existing landfills?
4. If existing landfills by virtue of being identified in the COUNTYWIDE SITING ELEMENT become exempt, what is the purpose of the COUNTY WIDE SITING ELEMENT.
5. Assuming the County of Ventura Board of Supervisors continue to provide "Statements of Overriding Considerations" with respect to CEQA environmental impacts, is there anything to stop Waste Management from expanding the landfill vertically and/or buy additional land and expand horizontally?

# County of Ventura

PUBLIC WORKS AGENCY  
RONALD C. COONS  
Agency Director

May 16, 2005

VIA E-Mail: <bmatlock@wm.com>  
ORIGINAL VIA U.S. MAIL

R. REDDY PAKALA  
Director  
Water & Sanitation Department

Bruce Matlock, Environmental Specialist  
Simi Valley Landfill and Recycling Center  
2801 Madera Road  
Simi Valley, CA 93065

Environmental & Energy Resources Division

Section Managers

Peter Kaiser  
Pollution Prevention & Compliance

Gerard Kapuscik  
Resources & Information Systems

**SUBJECT: SIMI VALLEY LANDFILL IDENTIFIED IN VENTURA COUNTYWIDE SITING  
ELEMENT ADOPTED BY CIWMB ON JUNE 19-20, 2001**

Dear Mr. Matlock:

Per your request, the Environmental & Energy Resources Division (EERD), of the Water and Sanitation Department, Public Works Agency, County of Ventura, is please to provide you with this letter, which will serve as official documentation that the Simi Valley Landfill & Recycling Center (SVLRC) is appropriately identified in the existing State approved Countywide Siting Element (CSE) of the Countywide Integrated Waste Management Plan, in accordance with Section 50001 (a) of the Public Resources Code (i.e. Conformance Finding).

The CSE received final State approval, by the California Integrated Waste Management Board (CIWMB) on June 20, 2001. Section 3.1.1 of the approved CSE document includes basic facility, permit, capacity, utilization and future use information, and Figure 3.2 depicts a map showing the current boundaries of the SVLRC and lists it as a Permitted Active Solid Waste Facility in Ventura County. Both the narrative description and geographic depiction of the SVLRC is in compliance with Section 18755.5 of Title 14 of the California Code of Regulations.

EERD is providing this CSE Conformance Finding information to you in support of your preparation of an amendment to your Joint Technical Document for the SVLRC. It is our understanding that this document is required in order to incorporate the use of C & D fines as potential Alternate Daily Cover (ADC) materials at the SVLRC. Further, please be advised that geographic limit of the CSE conformance finding for SVLRC in this matter is limited by the area described in the attached map (See Figure 3.2).

Should you have any questions regarding this letter, or wish to discuss it further, please feel free to contact me directly at 289-3106.

Sincerely,



Gerard Kapuscik, Manager

Resources & Information Systems Section, EERD

Pc: Reddy Pakala, Director, W & S Dept., VCPWA  
Peter Kaiser, Manager, PP & C Section, EERD  
Steve Kephart, Solid Waste Section, VCEHD  
Gloria Silvestri-Whitcomb, DRS Reporting Coordinator, EERD

1000 Hill Road, Suite 100 • Ventura, CA 93003 • (805) 289-3333 • FAX (805) 289-3102 • [www.wasteless.org](http://www.wasteless.org)

RECEIVED

APR 18 2005

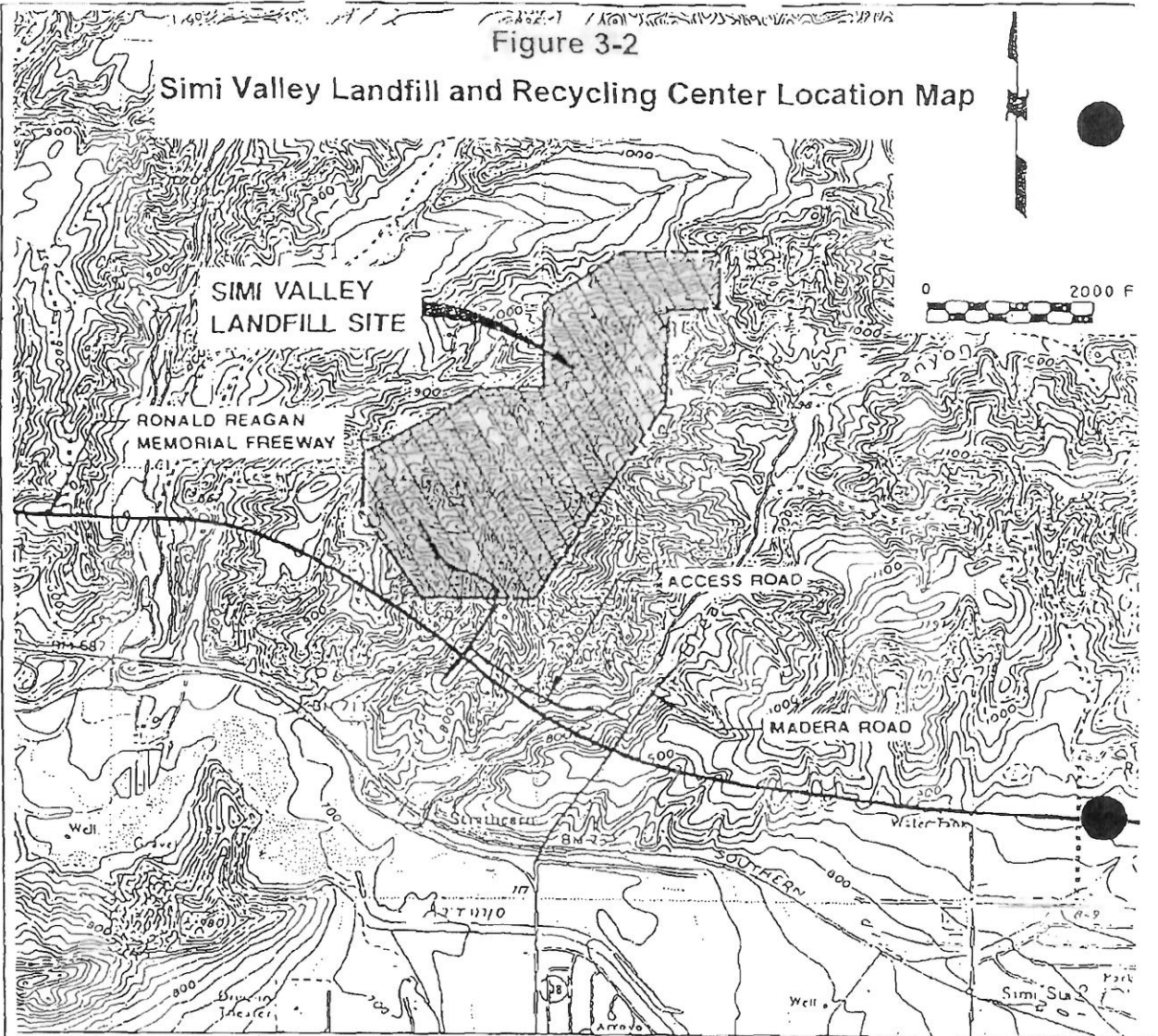
Simi Valley Landfill  
and Recycling Center



100% post consumer recycled content paper

Figure 3-2

# Simi Valley Landfill and Recycling Center Location Map



ICE: U.S.G.S. MAP

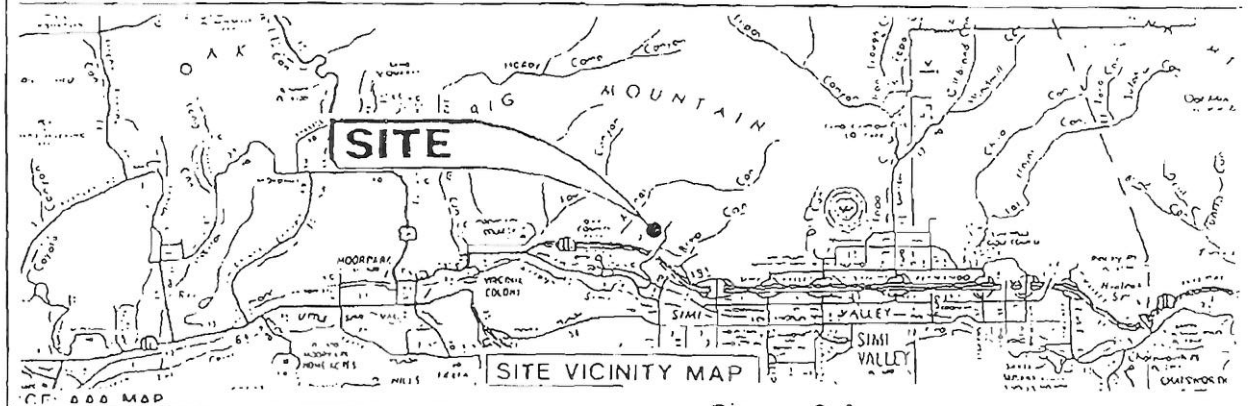


Figure 3-2

## Simi Valley Landfill and Recycling Center Site Location Map



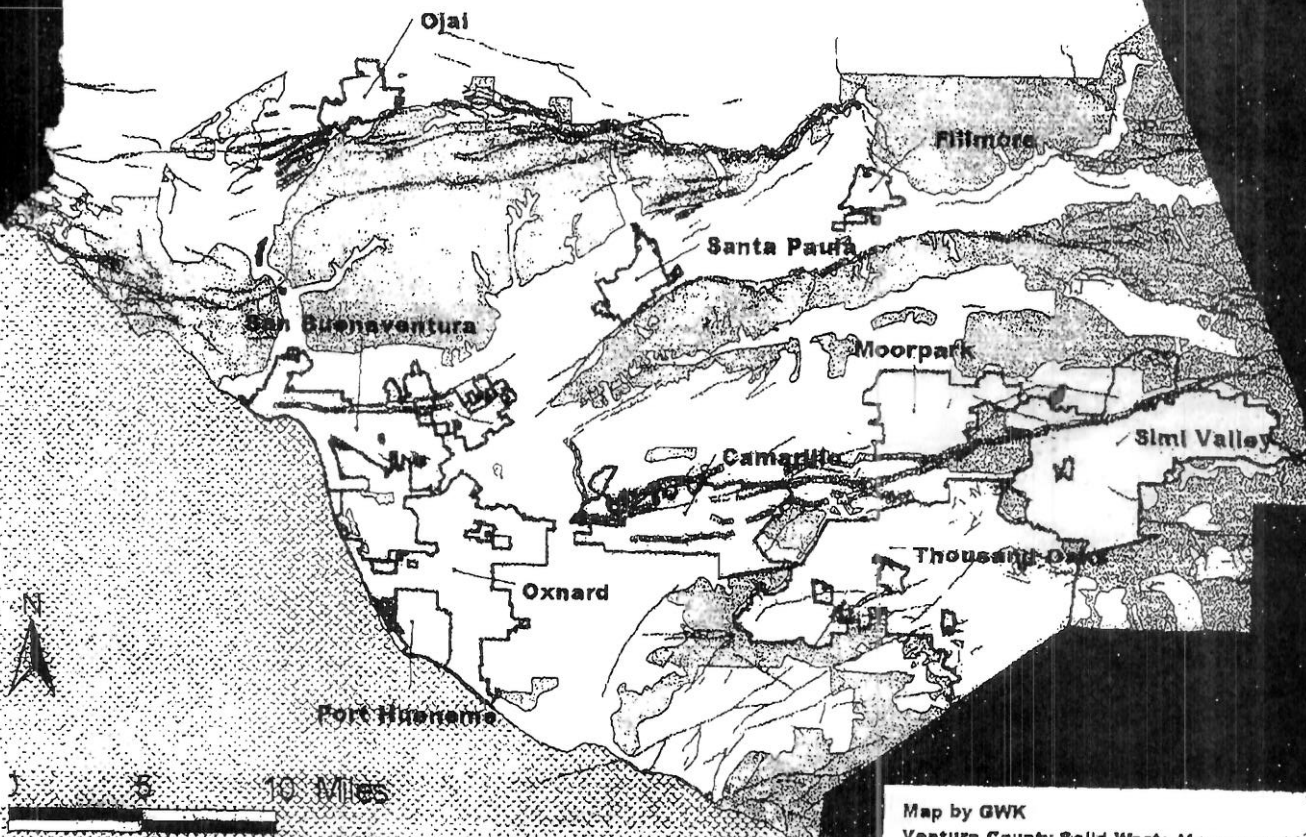
A - MEHR Inc.

DRAWN	JOB NUMBER	APPROVED	DATE	REVISED	DATE



# Map Showing Application of Pass/Fail Siting Criteria found in CSE (Exhibit "2")

△ Division of Mines and Geology Faults  
Future Landfills Prohibited from Being Sited in These Areas  
Areas Subject to Compliance with 2nd Phase Criteria



Map by GWK  
Ventura County Solid Waste Management  
November 7, 2000



Ventura County  
Solid Waste  
Management  
Department

# VENTURA COUNTY INTEGRATED WASTE MANAGEMENT PLAN

# COUNTYWIDE SITING ELEMENT

Local Approvals by the Board of Supervisors  
and City Councils Completed February 13, 2001  
CIWMB Approval Completed June 19-20, 2001

The committee's recommended criteria were presented to the Waste Commission for release to the cities and other interested parties for review and comment. The detailed comments received on the draft criteria prompted the Waste Commission to examine alternatives to identifying specific landfill sites in the CSE. The Commission concluded that the CSE should contain a limited siting study to identify general areas within the County that could be considered for future landfill development in conjunction with a thorough investigation of waste export options (*see Chapter 6*).

The limited siting study recommended by the Waste Commission eliminated the need for the application of weighted ranking criteria. Using the CAC/TAC recommended pass/fail and second-phase criteria and comments received as a basis, staff developed (and the Waste Commission endorsed) a list of suggested criteria and supporting definitions to be used in the study. These criteria consist of 13 pass/fail and 5 second-phase criteria (*see Section 4.3*). The issues raised by the 41 ranking criteria were integrated into a new set of 32 criteria (Evaluation Criteria) that must be addressed by a site applicant prior to site development.

## 4.2 Siting Criteria Application

The landfill siting criteria that must be used in the siting of disposal facilities located in Ventura County are to be applied in three stages. Unless specifically indicated, criteria are meant to determine or address areas for final refuse deposition only. The first stage entails the mapping of 13 pass/fail criteria and has already been completed (*see Chapter 5 for mapping results*). The pass/fail criteria were used to eliminate areas unsuitable for landfill siting and address topics including, but not limited to, holocene faults, prime agricultural lands, and groundwater quality. The issues covered by the criteria address the state-mandated topics of environmental, socioeconomic, and legal considerations. If future analysis shows that areas remaining after the application of these pass/fail criteria violate the standards raised by the criteria, the site will be deemed inconsistent with the CSE. Applicants must receive verification from the Planning Division of the Ventura County Resource Management Agency that the proposed refuse column of a site falls within an area remaining after the application of the pass/fail criteria.

The second stage of the siting process occurs once a specific site is proposed within an area that was not eliminated by the pass/fail criteria. The landfill proponent must demonstrate that the proposed site meets the requirements stipulated by the second-phase criteria. Sites that do not meet the requirements of these criteria will be deemed inconsistent with the CSE and eliminated from future consideration until such time as the requirements can be satisfied or the CSE is amended.

The third stage of the siting process requires the landfill proponent to assess the issues addressed by the evaluation criteria. This assessment (as well as the second-phase criteria assessment) may take place during the environmental review of the site and must take place prior to issuance of a local land-use permit. A site will be deemed inconsistent with the CSE until this assessment takes place and the issues are fully analyzed.



## Background

Review of the Countywide Landfill Siting Element regarding the Fishback matter. (bolded text below is for emphasis only)

## Referenced Text

1. If future analysis shows that areas remaining after the application of pass/fail criteria violate the standards raised by the criteria, the site will be deemed inconsistent with the Countywide Landfill Siting Element. Applicants **must receive verification from the Planning Division of the Ventura County RMA that the proposed refuse column of a site falls within an area remaining after the application of the pass/fail criteria.** (Section 4.2 Siting Criteria Application)
2. The second stage of the siting process occurs once a specific site is proposed within an area that was not eliminated by the pass/fail criteria. The landfill proponent must demonstrate that the proposed site meets the requirements stipulated by the second phase criteria. Sites that do not meet the requirements of these criteria will be deemed inconsistent with the CSE and eliminated from future consideration until such time as the requirements can be satisfied or the CSE is amended. (Section 4.2)

## Pass/Fail Criteria

The pass/fail criteria are used to eliminate areas from further consideration that are unsuitable for landfill development. Each criterion contains a description section. The description section provides the standards that areas in the County **must meet** in order to avoid elimination from future landfill consideration.

The areas being used by Mr. Fishback are disqualified from further consideration as a landfill for the following reasons under the following pass/fail criteria:

1. Site Size- An area will not be considered for a potential landfill sites unless the area contains a **minimum of 100 acres**. The parcel areas depicted in the illustration that are owned by Fishback amount to **~9 acres**. Adjoining acreage amounts to 30.31 acres. (see Map 2)
2. Urban Areas- Areas located within 2500 feet of land designated Urban, Urban Reserve, Existing Community, Rural....will be eliminated from consideration. Mr. Fishback's **properties are intersected by General Plan Existing Community land use designation**. (See Map 3)

### Second Phase Criteria Considerations

Following review of the Pass/Fail Criteria, **requirements contained in the second-phase criteria must be met before a proposed site can be deemed consistent with the CSE.** The areas being used by Mr. Fishback are disqualified from further consideration as a landfill for the following reasons under the second phase criteria.

Receptor Proximity-Potential landfill sites will not be considered if there is a single unmitigated receptor of concern within 2500 feet of the landfill site. **In addition, the total number of residences within one mile of the landfill site shall not exceed 35, or contain more than 100 people whichever is more restrictive.**

There are approximately **10,284** people residing within one mile of the subject parcels according to 2000 Census figures.

Prepared by:

Pete Kaiser, Manager-Zoning Administration Section, Planning Division

From: Wayne Fishback <waynefishback@yahoo.com>  
To: Darren Kettle  
Sent: Tue May 11 15:11:10 2010  
Subject: Board Meeting Agenda Item 8A

FISHBACK & ASSOCIATES

B. Wayne Fishback

3106 Calusa Avenue

Simi Valley, CA 93063

waynefishback@yahoo.com <mailto:waynefishback@yahoo.com>

May 10, 2010

Sent via E-mail

TO: Darren Kettle, Executive Director

Ventura Council of Governments

950 County Square Drive

Suite 207

Ventura, CA 93003

SUBJECT: Ventura Council of Governments (VCOG) May 13, 2010 Board Meeting  
Agenda Item 8A; Countywide Integrated Waste Management Plan (CIWMP) 5 Year  
Review; Countywide Siting Element (CSE); Proposed Expansion of the Simi Valley  
Landfill and Recycling Center (SVLRC)

Dear Mr. Kettle:

The purpose of this letter is to address several issues as they pertain to the above subjects. This will serve as notification to you and the voting members of VCOG of certain facts and laws that you may want to consider when the vote is taken to approve your recommendation which states: "Authorize

the Chair to sign the attached letter to CalRecycle (state), concurring with the unanimous consensus of staff of all 11 jurisdictions in Ventura County regarding the adequacy of the Countywide Integrated Waste Management Plan (CIWMP) Five-Year Review Report."

It is a factual matter that Waste Management of California (WMC) has conspired with the County of Ventura (COV), CalRecycle, other government agencies and businesses/ individuals to circumvent the CIWMP and CSE. The motive is to grow WMC's, COV's and the State of California's revenues and manipulate the use of land to the benefit of the conspirators.

Because the above construct of multiple parties has violated critical Integrated Waste Management Act laws that negatively affect human health and safety and the environment it constitutes a conspiracy to commit actual fraud and environmental crimes. Further because this is part of an ongoing plan, these activities violate RICO laws.

Although unknown at this time, Unocal, the landowner prior to WMC, was most likely swindled out of the true value of their land. Alternatively, they may be yet another conspirator that is continuing to benefit from this scheme. Certainly, given the estimated \$5,000,000,000 in revenue from landfill operations, this is by far the "highest and best use" of the land if legal.

It should also be noted that most environmental crimes are subject to strict liability whereby intent is not a defense. The above activities should not be confused with the "horsetrading" that goes on in the routine discretionary permitting process. For example, dedicating open space as mitigation for a legal development entitlement does not apply to the instant case.

The 2003 SVLRC expansion set the precedent for the current proposed expansion and potential future expansions. The 2003 SVLRC permit approval established three important conditions as follows:

- Ignoring the CSE requirements were not challenged by Simi Valley (SVLRC is within SV's curb line and General Plan), VCOG or numerous State agencies, i.e. CalRecycle, Los Angeles Regional Water Quality Control Board (LARWQCB), etc.

- CEQA significant negative impacts were disregarded by the COV Board of Supervisors by making a "Statement of Overriding Considerations." There was virtually no objection by the public or officials of impacted jurisdictions.

- The "Identification," i.e. "street address", "dot on a map", etc. of a solid waste facility used by CalRecycle (per its policy) to make a CSE conformance finding pursuant to PRC 50001 was used by the COV. This slight of hand nullified the CSE's siting requirements for any and all SVLRC and Toland Road Landfill expansions. This veil of legitimacy succeeded by virtue of legal complexities related to the landfill permitting process i.e. "the devil is in the detail."

To support the precedent set by the 2003 SVRC expansion Mark Leary, Deputy Director of CalRecycle, sent a letter to Bruce Belluschi, Manager of the COV Integrated Waste Management Division, on 5-4-2010. The letter contains two primary points. First, as identified in the "Re: Simi Valley Landfill Expansion and compliance with Public Resources Code 50001," Mr. Leary describes CalRecycle's rationale and policy for determining a solid waste facilities' conformance with the CSE. This is one of the required steps for CalRecycle's permit approval. On the narrow issue of restricting the meaning of "identify" to a literal interpretation as described above, i.e. "street address", "dot on a map", there is no objection. It is the second point that is a blatant misrepresentation of the law.

On page two of Mr. Leary's letter he describes a mundane problem faced by planners, architects, engineers, permitting agencies and contractors every day. At issue; has something changed so significantly that a revision to a document is required? Mr. Leary poses the problem this way: the department was faced with whether the language in PRC 50001 required that the description of a proposed facility in the Siting Element (items such as permitted tonnage, capacity, etc.) be identical to the description in a proposed permit." It should be obvious that a CSE is a long range plan and as such is conceptual at best, whereas plans submitted for a permit are very precise. Further, these two types of plans would never be identical, but certainly could be similar enough not to trigger a revision to the CSE. Regrettably, CIWMB chose not to exercise its common sense and judgment with regard to a reasonable similarity between concept plan and final construction plan. Consequently, the result is a shift from "identical" to "anything goes" once a facility is "identified" with a "street address" or a "dot on the map" in the CSE.

The rest of the letter is stunning. Essentially it characterizes the CSE as duplicative of CEQA, permitting, etc. and therefore useless. Further he states that a revision of the CSE is a waste of resources/money. Mr. Leary

opines that what is important to the siting of a new or the expansion of existing landfills is:

- "Multiple Permits"
- "Multiple Agency" oversight
- "Public input"
- "Explicit language of the statute...the location of the site"
- "Siting Element statutes...just siting identification"
- Amend a Siting Element ... not add any additional substantive information"
- "Siting Element revision...unnecessary expenditure of resources with no value added"

Mr. Leary surely knows his arguments are contrary to multiple laws and regulations. The CSE is the controlling authority for locating landfills. The extensive laws that govern the CSE would have never been promulgated had routine land use zoning, permitting, CEQA procedures, etc. been considered sufficient. For example, Ventura County's CSE is far more restrictive than CEQA due to the pass/fail criteria and the first phase criteria mapping. (See attachment)

Mr. Belluschi's CIWMP 5 Year Review and Mr. Leary's letter is an invitation for VCOG members to break the law. While CalRecycle can wash its hands of true conformance with the CSE by a landfill operator during the permit process, local jurisdictions, i.e. VCOG members cannot use the same "policy" for CSE and landfill conformance. Knowingly doing so would be tantamount to defrauding the citizens and jurisdictions who are impacted. In this case primarily, the citizens of Simi Valley and the City of Simi Valley.

VCOG should also take into consideration that WMC, COV, and CalRecycle have conspired to obstruct on numerous occasions, the public's attempt to carry out legitimate reuse and recycling efforts. The motive again is to maximize revenues and fees to WMC, COV, and CalRecycle. These practices have harmed the public by being forced to pay excessive monopolistic prices for recycling while at the same time, the Board of Equalization is shortchanged on taxes due to fraudulent reporting of sham recycling. Finally, the environment is damaged by the waste of natural resources being forced into the landfill.

This letter will take the place of what would normally be my five minutes of public comment at this Thursday's VCOG meeting. What I intend to use the five minutes for is to introduce questions that I believe should be answered by the COV. Additionally, I have several documents that I will submit to the Board as evidence of the corrupt practices described above.

Please distribute this document to the appropriate people.

Sincerely,




Wayne Fishback

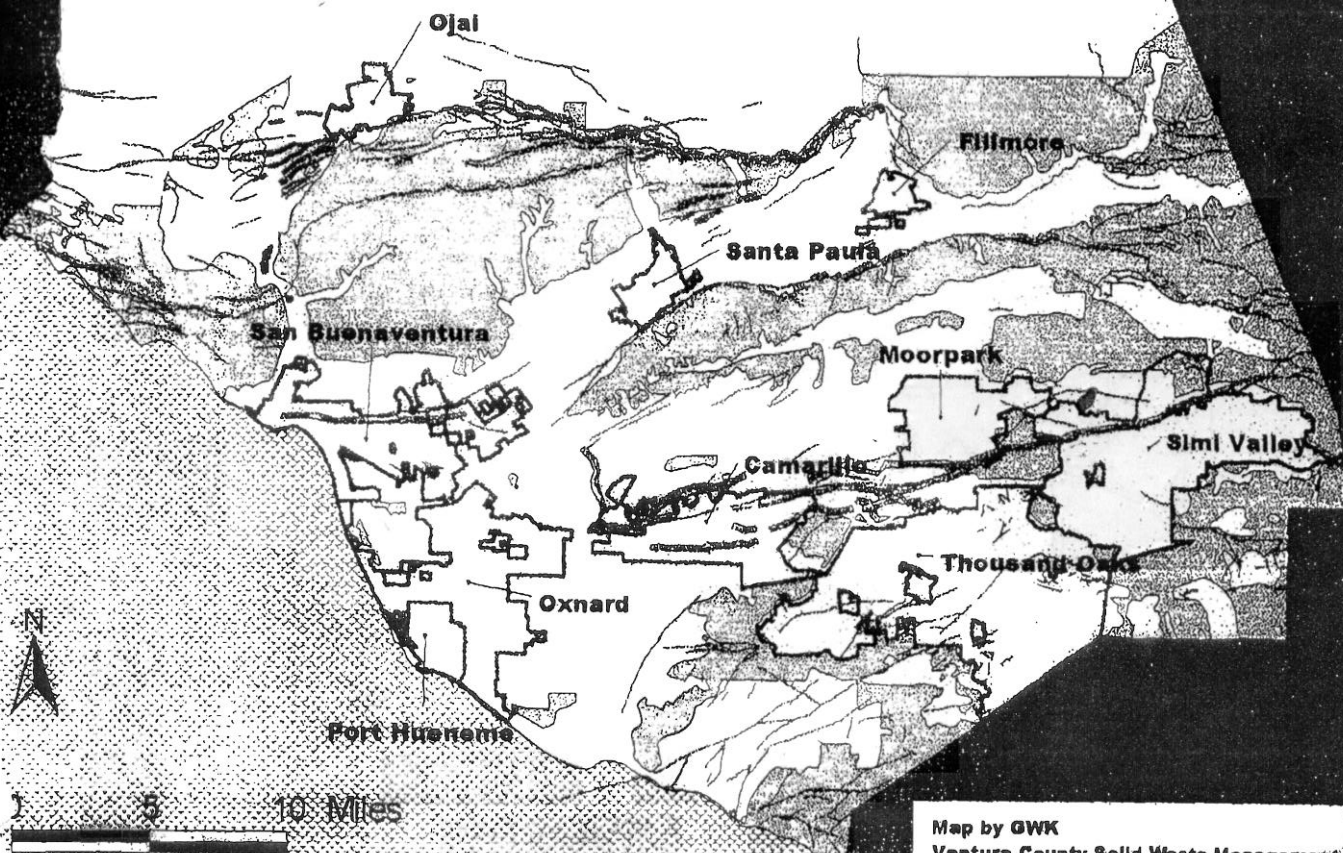
BWF:bkr

(1) attachment



# Map Showing Application of Pass/Fail Siting Criteria found in CSE (Exhibit "2")

 Division of Mines and Geology Faults  
 Future Landfills Prohibited from Being Sited in These Areas  
 Areas Subject to Compliance with 2nd Phase Criteria



Map by GWK  
Ventura County Solid Waste Management  
November 7, 2000



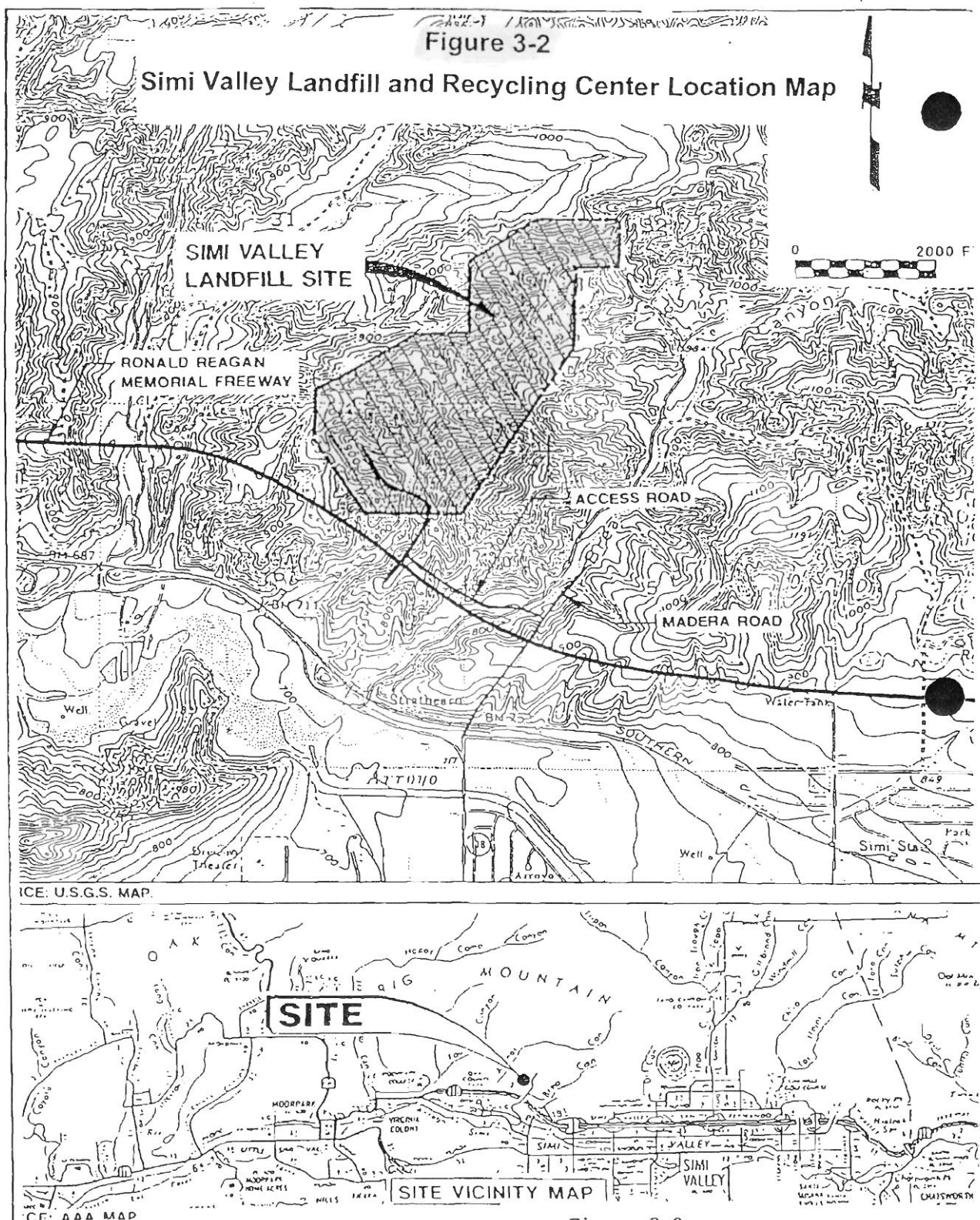


Figure 3-2



**A - MEHR Inc.**

**Simi Valley Landfill and Recycling Center  
Site Location Map**

DRAWN

JOB NUMBER

APPROVED

DATE

REVISED

DATE